

REMARKS

I. Nationalization

This application represents the U.S. national stage under 35 U.S.C. § 371 of International Patent Application No. PCT/AU03/00415, filed April 07, 2003, which claims priority to Australian Provisional Application No. PS 1606, filed April 08, 2002.

Although the text of the International Application was transmitted to the U.S. receiving office from the International Bureau, as a precaution under 35 U.S.C. § 371(c)(2), an additional copy is enclosed herewith in the form of the published PCT Application WO 03/086448.

An amendment is being made to page 1 of the specification to insert the claims for priority. The Abstract is also provided as a separate page by amendment. These amendments to the specification comply with 37 C.F.R. § 1.121.

II. National Stage Claims

After according a U.S. filing date, and before calculating the filing fee, entry of the foregoing claim amendments is respectfully requested.

Original claims 1-13 in the PCT application were revised without prejudice in the response to the Written Opinion and replaced with claims 1-21 (copy enclosed). Revised claims 1-21, submitted in English, form the subject of the International Preliminary Examination Report (IPER; copy enclosed). Claims 1-21 from the IPER stage therefore form the basis for the amendments introduced herein. Due to the revision of the claims in the PCT application, each of claims 1-21 from the IPER would be considered "Previously Presented" under 37 C.F.R. § 1.121.

Applicants have revised certain claims from the IPER stage to better accord with U.S. practice, to correct minor clerical oversights and to place the application in form for U.S. examination. Any changes to the claims are being made solely to achieve these objectives,

thereby also reducing the filing fee. The revised claims are designated "Currently Amended" under 37 C.F.R. § 1.121. The submission of revised claims does not represent abandonment of any of the subject matter of the claims in the PCT application. Indeed, the present claims are fully supported by the claims in the PCT application, as well as by the specification and claims of the PCT and priority application, and the new claims do not in any way constitute new matter.

III. Status of the Claims

The PCT application was filed with claims 1-13. The claims were revised during the international phase, so that claims 1-21 were pending at the IPER stage. According to 37 C.F.R. § 1.121, entry into the U.S. national stage should account for changes to the claims made in English since the designation of the U.S. Therefore, prior to entry into the national stage, claims 1-21 were pending.

Presently, claims 3, 5, 8-14 and 17-21 have been amended without prejudice or disclaimer, to correct minor clerical oversights and comply with U.S. requirements. No claims have been added or canceled. Claims 1-21 are therefore in the case. According to 37 C.F.R. § 1.121(c), a copy of the pending claims is provided in the amendment section.

IV. Support for the Claims

The revisions to the claims are being made to correct minor clerical oversights, to better accord with U.S. practice and to reduce the filing fee. The present claims are fully supported by the claims in the PCT application, in addition to the specification.

Claim 3 has been amended to depend from claim 1; to replace "inhibitor" with "antagonist", as recited in claim 1; to replace "G protein-coupled receptor" with "C5a receptor", as recited in claim 1; and to correct a clerical error by inserting "not" into the phrase "D is the

side chain of a neutral D-amino acid, but is not the side chain of glycine or D-alanine, a bulky planar side chain, or a bulky charged side chain".

Each of claims 5, 8, 9 and 10 has been amended to depend from claim 3.

Claim 11 has been amended to depend from claim 3 and to replace the abbreviation "C5aR" with "C5a receptor", as recited in claim 1.

Claim 12 has been amended to depend from claim 1 and to replace "inhibitor" with "antagonist", as recited in claim 1.

Each of claims 13, 14 and 17 has been amended to depend from claim 1.

Claim 18 has been amended to replace "cardiac fibrosis or pulmonary fibrosis" with "fibrosis of the heart or lungs", which better matches claim 17.

Claims 19, 20 and 21 have been amended to replace the European-style second medical use claims with U.S. treatment method claims.

Claim 19 is an additional independent claim based upon claim 1, without "prevention".

Claim 20 recites that the antagonist is PMX53 (compound 1), as supported by claim 16.

Claim 21 specifies that the fibrotic condition is cardiac fibrosis or pulmonary fibrosis, as supported by claim 18.

It will therefore be understood that no new matter is encompassed by any of the amended claims.

V. Conclusion

The IPER issued for the PCT application holds each of claims 1-21 to have unity of invention, which should be noted upon entry into the U.S. national stage. Moreover, the IPER indicates each of claims 1-21 to be novel and each of claims 2-21 to have an inventive step.

The national filing fee is included herewith. The fee has been calculated after the present changes to remove the multiple dependencies from the claims. Any omitted fees should be deducted from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4050.003000. Applicants' U.S. representatives have been advised that Applicants are entitled to pay small entity fees, and a verified statement to this effect is no longer required.

As a further precaution for the U.S. application, additional versions of the formal drawings are presently enclosed. The executed formal documents by the inventors and any procedural requirements deemed necessary by the Office will be completed in due course.

Should the Office have any questions or comments, a telephone call to the undersigned Applicant's representative is earnestly solicited.

Respectfully submitted,
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Date: October 7, 2004